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December 16, 2010

VIA ECF and HAND DELIVERY

Honorable Patty Shwartz, U.S.M.J.
United States District Court, District of New Jersey
Frank R. Lautenberg U.S.P.O. Cthse. Bldg., Court Rm. 10
P.O. Box 999
Newark, New Jersey 07101

Re: Waste Management of New Jersey, Inc. v. Teamsters-Employers Local 945
Pension Fund, et al.
Civil Case No. 10-cv-3984 (FSH) (PS)

Dear Judge Shwartz:

This firm, together with Schulte, Roth & Zabel, LLP, represents Defendants Teamsters-Employers Local 945 Pension Fund and Trustees of Teamsters-Employers Local 945 Pension Fund, in connection with the above referenced matter.

Pursuant to Your Honor's December 2, 2010 Order on Informal Application, the parties write to inform the Court that they have agreed to:

- (i) proceed with the delinquent contribution arbitration under the 2007 resolution;
- (ii) waive any challenges with respect to proceeding with the delinquent contribution arbitration under the 2007 resolution;
- (iii) dispense with discovery; and
- (iv) the entry of a final judgment after the Court's ruling in connection with the briefing referenced below on the issue of the collateral estoppel effect of the delinquent contribution arbitration on the withdrawal liability arbitration.

To the extent that any party wishes to submit to the Court a brief to address the collateral estoppel issue, the parties propose the following briefing schedule:

Opening Briefs: February 15, 2011

Answering Briefs: March 1, 2011

Reply Briefs: March 8, 2011

Pursuant to Your Honor's December 2, 2010 Order, we enclose a proposed order that embodies the foregoing.

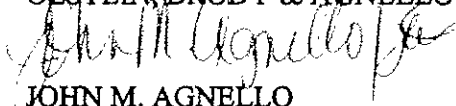
In the event the enclosed Order meets with Your Honor's approval, we ask that it be executed and entered on the docket.

The parties are available for either an in-person or telephonic conference should the Court wish to discuss the foregoing.

Thank you for your continued assistance with this matter.

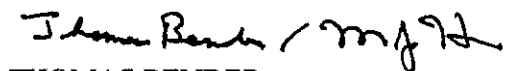
Respectfully submitted,

CARELLA, BYRNE, CECCHI,
OLSTEIN, BRODY & AGNELLO



JOHN M. AGNELLO
Counsel for Defendants

LITTLER MENDELSON



THOMAS BENDER
Counsel for Plaintiff

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

-----	X	
WASTE MANAGEMENT OF NEW	:	
JERSEY, INC.	:	
Plaintiff,	:	
v.	:	Case No. 2:10-CV-03984-FSH-PS
TEAMSTERS-EMPLOYERS LOCAL 945	:	
PENSION FUND	:	
and	:	
TRUSTEES OF TEAMSTERS-	:	
EMPLOYERS LOCAL 945 PENSION	:	
FUND	:	
Defendants.	:	
-----	X	

ORDER

THIS MATTER having been opened to the Court by way of the December __, 2010 joint letter; and it appearing to the Court from the joint letter that the parties have consented and agreed to the form and entry of the within Order; and for good cause shown;

IT IS on this __ day of December, 2010

ORDERED as follows:

1. The parties will proceed with the delinquent contribution arbitration under the 2007 resolution.
2. The parties waive any challenges with respect to proceeding with the delinquent contribution arbitration under the 2007 resolution
3. The parties dispense with discovery.
4. A final judgment will be entered after the Court's ruling in connection with the briefing as set forth in paragraph 5 on the issue of the collateral estoppel effect of the delinquent contribution arbitration on the withdrawal liability arbitration.

5. The collateral estoppel issue shall be briefed in accordance with the following briefing schedule:

Opening Briefs: February 15, 2011

Answering Briefs: March 1, 2011

Reply Briefs: March 8, 2011

HONORABLE PATTY SHWARTZ, U.S.M.J.